

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILLIP MCCOY,

*Petitioner,*

v.

SUPERINTENDENT SMITH, *et al.*,

*Respondents.*

CIVIL ACTION  
NO. 17-2162

**ORDER**

**AND NOW**, this 5th day of July, 2018, upon consideration of the Amended Petition for a Writ of *Habeas Corpus* (ECF No. 17), Motion for Stay and Abeyance (ECF No. 8), Respondents' Response in Opposition (ECF No. 22), the Report and Recommendation of U.S. Magistrate Judge Marilyn Heffley (ECF No. 26), and McCoy's Objections (ECF No. 31), it is hereby **ORDERED** that:

1. McCoy's objections are **OVERRULED** and Magistrate Judge Heffley's Report and Recommendation (ECF No. 26) is **APPROVED** and **ADOPTED**;
2. McCoy's Petition for a Writ of *Habeas Corpus* (ECF No. 17) is **DENIED** and **DISMISSED**;
3. McCoy's Motion for Stay and Abeyance (ECF No. 8) is **DENIED** and **DISMISSED**;
4. No certificate of appealability shall issue;<sup>1</sup>
5. This case shall be **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.

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<sup>1</sup> Reasonable jurists would not debate the Court's disposition of petitioner's claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).